

Atty Docket No. 021390-004041US

PTO FAX NO.: 703-872-9306

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Group Art Unit 1614

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OFFICIAL**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following documents in re Application of Bing-Yan Zhu et al., Application No. 10/687,334, filed October 15, 2003 for BENZAMIDES AND RELATED INHIBITORS OF FACTOR XA are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Document(s) Attached

1. Transmittal
2. Fee Transmittal
3. Terminal Disclaimer
4. Statement under 37 CFR 3.73(b)

Number of pages being transmitted, including this page: 5

Dated: May 27, 2004


Jennifer K. Hardin

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Copy faxed to: 571-273-0682 - Attention ZINNA DAVIS
Phone: 571-272-0682

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834
Telephone: 925-472-5000 / Fax: 925-472-8895

00227053 v1

PTO/SB/21 (02-94)

TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/687,334
	Filing Date	October 15, 2003
	First Named Inventor	Zhu, Bing-Yan
	Art Unit	1614
	Examiner Name	Zinna Davis
	Attorney Docket Number	021390-004041US
Total Number of Pages in This Submission		5

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavit/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interference <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Statement under 37 CFR 3.73(b) PTO Fax cover sheet
Remarks: The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name William B. Kezer	Townsend and Townsend and Crew LLP Reg. No. 37,369
Signature <i>William B. Kezer</i>	
Date May 27, 2004	

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Jennifer K. Hardin		
Signature	<i>Jennifer K. Hardin</i>	Date	May 27, 2004

PTO/SB/17 (10-03)

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 110

Complete if Known

Application Number 10/687,334
 Filing Date October 15, 2003
 First Named Inventor Zhu, Bing-Yan
 Examiner Name
 Art Unit 1814
 Attorney Docket No. 021390-004041US

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 20-1430

Deposit Account Name Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below. ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE		Large Entity		Small Entity	Fee Description		Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid		
1001 770	2001 385	Utility filing fee					
1002 340	2002 170	Design filing fee					
1003 330	2003 255	Plant filing fee					
1004 770	2004 385	Reissue filing fee					
1005 160	2005 80	Provisional filing fee					

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims ☐ ** a = ☐ Fee from below ☐ Fee Paid ☐

Independent Claims ☐ ** a = ☐ Fee Paid ☐

Multiple Dependent ☐ X ☐ Fee Paid ☐

Large Entity		Small Entity		Fee Description	
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	
1202 18	2202 9	Claims in excess of 20			
1201 88	2201 43	Independent claims in excess of 3			
1203 280	2203 145	Multiple dependent claim, if not paid			
1204 88	2204 43	Release independent claims over original patent			
1205 18	2205 9	Release claims in excess of 20 and over original patent			

SUBTOTAL (2) (\$)

** number previously paid, if greater. For Release, see above

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath					
1052 60	2052 25	Surcharge - late provisional filing fee or cover sheet					
1053 130	1053 130	Non-English specification					
1812 2,620	1812 2,520	For filing a request for reexamination					
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action					
1806 1,840*	1806 1,840*	Requesting publication of SIR after Examiner action					
1251 110	2251 55	Extension for reply within first month					
1252 420	2252 210	Extension for reply within second month					
1253 950	2253 475	Extension for reply within third month					
1254 1,460	2254 740	Extension for reply within fourth month					
1255 2,010	2255 1,005	Extension for reply within fifth month					
1401 330	2401 165	Notice of Appeal					
1402 330	2402 165	Filing a brief in support of an appeal					
1403 290	2403 145	Request for oral hearing					
1451 1,810	1451 1,810	Petition to institute a public use proceeding					
1452 110	2452 55	Petition to revive - unavoidable					
1453 1,330	2453 665	Petition to revive - unintentional					
1501 1,330	2501 665	Utility issue fee (or release)					
1502 480	2502 240	Design issue fee					
1503 840	2503 320	Plant issue fee					
1480 130	1480 130	Petitions to the Commissioner					
1807 60	1807 50	Petitions related to provisional applications					
1808 180	1808 180	Submission of Information Disclosure Sheet					
8021 40	8021 40	Recording each patent assignment per properly times number of properties					
1808 770	2808 385	Filing a submission after final rejection (37 CFR § 1.129(b))					
1810 770	2810 385	For each additional invention to be examined (37 CFR § 1.129(b))					
1801 770	2801 385	Request for Continued Examination (RCE)					
1802 900	1802 900	Request for expedited examination of a design application					

Other fee (specify) Statutory Disclaimer

*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$)

110

SUBMITTED BY

Name (Print/Type) William B. Keizer Registration No. (Attorney/Agent) 37,369 Telephone 925-472-5000

Signature *William B. Keizer* Date May 27, 2004

Complete (if applicable)

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60218583 v1

PTO/SB/26 (08-03)

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

 Docket Number (Optional)
021390-0040410US

In re Application of: Bing-Yan Zhu et al.

Application No. 10/687,334

Filed: October 15, 2003

For: BENZAMIDES AND RELATED INHIBITORS OF FACTOR Xa

The owner, Millennium Pharmaceuticals, Inc. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,376,515 B2. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☒ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney of record.

 5/26/04

Signature

Date

Ian Robert Silverman

Typed or printed name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/99 may be used for making this certification. See MPEP § 324.

60218274 v1

PTO/S596 (06-03)

Attorney Docket No. 021390-004041

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Bing-Yan Zhu et al.

Application No./Patent No.: 10/687,334 Filed/Issue Date: 10/15/03

Entitled: BENZAMIDES AND RELATED INHIBITORS OF FACTOR Xa

MILLENNIUM PHARMACEUTICALS, INC., a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
 2. ☐ an assignee of less than the entire right, title and interest.
 The extent (by percentage) of its ownership interest is ____ %

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel ____, Frame ____, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Bing-Yan Zhu, Penelope Zhang, Lingyan Wang, Wenrong Huang, Edick A. Goldman, Weibao Li, Jonathan Zupkett, Yongheng Song and Robert M. Scarborough

To: Cor Therapeutics, Inc.

The document was recorded in the United States Patent and Trademark Office at Reel 011855, Frame 0276, or for which a copy thereof is attached.

2. Merger of: Cor Therapeutics, Inc.To: Millennium Pharmaceuticals, Inc.

The document was recorded in the United States Patent and Trademark Office at Reel 012577, Frame 0516, or for which a copy thereof is attached.

3. From: _____

To: _____

The document was recorded in the United States Patent and Trademark Office at Reel ____, Frame ____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

(NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.6)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

February 15, 2004

Date

617-551-8604

Telephone number

Ian Robert Silverman

Typed or printed name

Ian Robert Silverman

Signature

Associate General Counsel

Title

60136296 v1